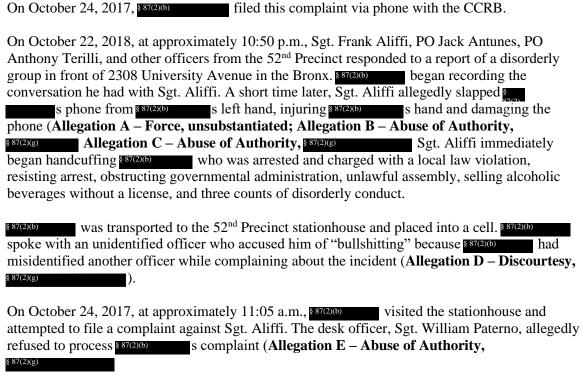
## CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	Ø	Force	$\overline{\square}$	Discourt.	U.S.
Jeffrey Mulinelli (S)		Squad #7	201708786	-	Abuse	$\Box$	O.L.	Injury
correct Manner (8)		Squau ""	201700700		110450		O.L.	L mjary
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Sunday, 10/22/2017 10:50 PM		2308 University Avenue; 52nd Precinct stationhouse			52	4,	/22/2019	4/22/2019
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rec	eived at CCI	RB
Tue, 10/24/2017 12:08 PM		CCRB	Phone		Tue, 10/24	/201	7 12:08 PM	
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. An officer			052 PCT					
2. SGT Frank Aliffi	00234	939856	052 PCT					
3. SGT William Paterno	03583	946096	052 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Anthony Terilli	28131	962132	052 PCT					
2. SGT Jeffrey Griffin	01105	934963	052 PCT					
3. POM Jack Antunes	04144	952416	052 PCT					
4. POM Andrew Ruiz	11892	962070	052 PCT					
5. POM Timothy Burke	17244	954584	052 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A.SGT Frank Aliffi		n October 22, 2017, at 2 x, Sergeant Frank Aliffi						
B.SGT Frank Aliffi	the Bron	On October 22, 2017, at 2 x, Sergeant Frank Aliffi use of a recording device	interfered with § 87(2)		e in			
C.SGT Frank Aliffi	Abuse: On October 22, 2017, at 2308 University Avenue in the Bronx, Sergeant Frank Aliffi damaged sproperty.							
D. An officer	Discourtesy: On October 22, 2017, at the 52nd Precinct stationhouse, an officer spoke discourteously to \$87(2)(b)							
E.SGT William Paterno		On October 24, 2017, at touse, Sergeant William Formula s complaint regards	aterno did not proce	ess				

## **Case Summary**



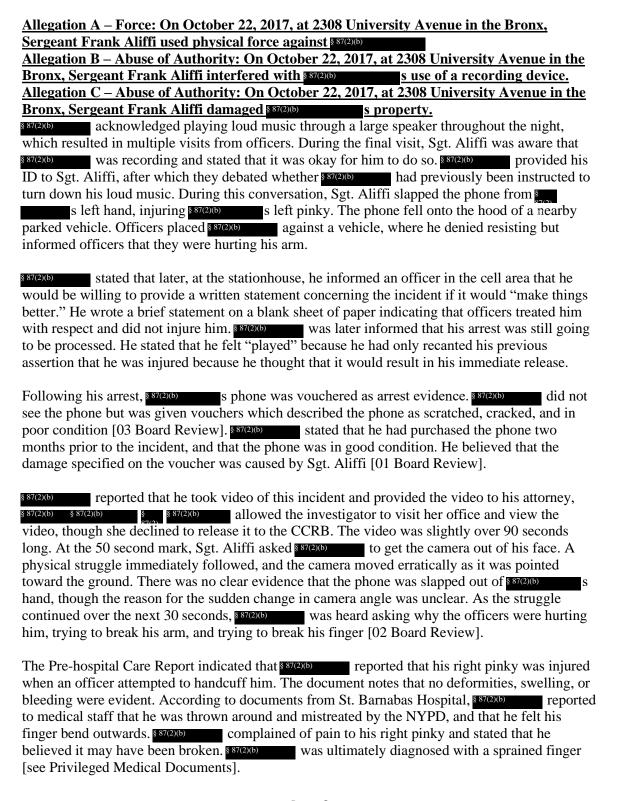
## **Findings and Recommendations**

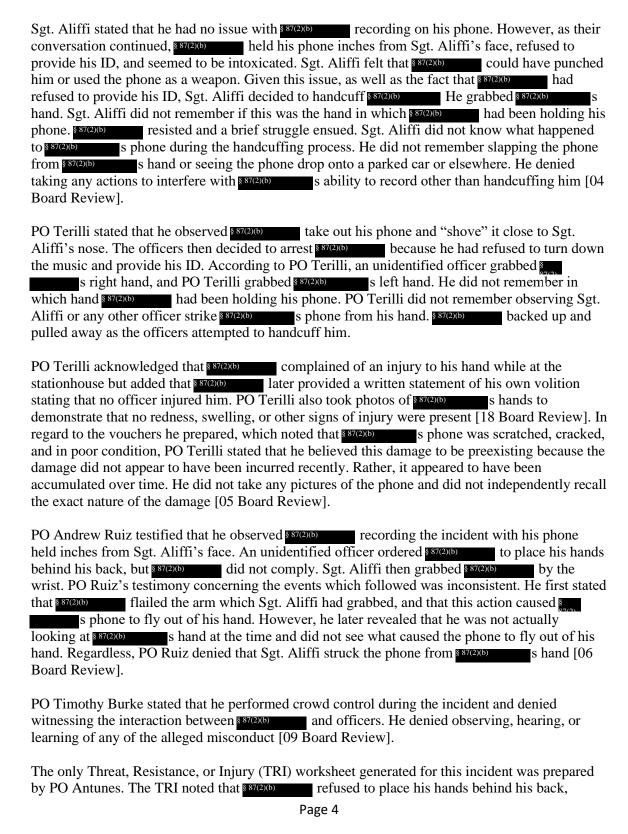
## **Allegation Not Pleaded**

alleged that an officer, identified by the investigation as PO Antunes, shone his flashlight at \$87(2)(b) as he was recording with his cell phone. While \$87(2)(b) believed that this was done to prevent him from recording, \$87(2)(b) did not specifically state that PO Antunes pointed his flashlight directly at the camera [01 Board Review]. Further, \$87(2)(b) s video, which was reviewed at his attorney's office but not released to the CCRB, showed PO Antunes holding his flashlight but did not capture him pointing it directly at the camera or taking any actions which obstructed \$87(2)(b) s ability to record [02 Board Review]. Further, this incident occurred at 10:30 p.m., at time at which it would have been appropriate for officers to utilize their flashlights.

Based on these facts, an interference with recording allegation was not pleaded against PO Antunes.

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pushed and pulled away, and attempted to avoid being handcuffed. It states that no force was used by MOS and suffered no injuries. A handwritten note, signed by suffered by MOS and suffered no injuries. A handwritten note, signed by suffered and attached to the TRI worksheet, stated that officers treated suffered with respect and that he arrived at the 52 <sup>nd</sup> Precinct stationhouse with no injuries [07 Board Review]. The arrest report prepared by PO Terilli charged suffered with resisting arrest, obstructing governmental administration, disorderly conduct, and unlawful assembly, among other charges, but documented that no force was used against suffered no injuries. A handwritten note, signed by suffered no injuries and attached to the TRI worksheet, stated that officers treated suffered no injuries. A handwritten note, signed by suffered no injuries and attached to the TRI worksheet, stated that officers treated suffered no injuries. A handwritten note, signed by suffered no injuries and attached to the TRI worksheet, stated that officers treated suffered no injuries. A handwritten note, signed by suffered no injuries and attached to the TRI worksheet, stated that officers treated suffered no injuries. A handwritten note, signed by suffered no injuries and suffered note injuries. A handwritten note, signed by suffered no injuries and suffered note injuries.
Sgt. Aliffi, PO Terilli, and PO Ruiz asserted that resisted arrest, and this charge is reflected on his arrest report. However, no officer acknowledged using or observing the force alleged by street and no such force was documented.
and his CCRB testimony regarding the injury was supported in part by his medical records, which revealed that \$\frac{8}{87(2)(b)}\$ complained of an injury to his pinky sustained during the handcuffing process and noted that he was ultimately diagnosed with a sprained right pinky. However, his medical records contained no mention of an officer striking a phone from \$\frac{8}{87(2)(b)}\$ s hand or an injury resulting from such an action.
§ 87(2)(b), § 87(2)(g)
§ 87(2)(b), § 87(2)(g)
Allegation D – Discourtesy: On October 22, 2017, at the 52 <sup>nd</sup> Precinct stationhouse, an officer spoke discourteously to \$87(2)(b)  testified that he was inside a cell when he observed a white, bald, fat male officer who wore a white shirt and had a guttural voice. During a brief conversation, this officer accused of "bullshitting" because \$87(2)(b) mistook another officer for Sgt. Aliffi while complaining about the incident [01 Board Review].

All of the officers interviewed denied hearing the alleged discourteous statement or observing speaking with any officer in a white shirt or holding the rank of lieutenant or above [05-07, 09 Board Review]. The tour 3 roll call for October 22, 2017, revealed that no officer holding the rank of Lieutenant or above was scheduled to work at that time [10 Board Review]. No officers of this rank were noted as being present in the Command Log [11 Board Review]. A search of CTS on March 6, 2018, determined that one Captain and four Lieutenants were assigned to the 52<sup>nd</sup> Precinct. According to the MOS photo system, Captain Coleman is a 6'2", 175-pound white male with a full head of salt-and-pepper hair. He does not match \$87(2)(b) description of the subject officer. Of the four Lieutenants, only Lieutenant Kreshnik Bakraqi – a bald, white male – matched § \$7(2)(b) s description. However, Lieutenant Bakraqi's memo book revealed that he was not working on October 22, 2017 [12 Board Review, see IAs]. None of the officers interviewed acknowledged observing §87(2)(b) speak with an officer holding the rank of Lieutenant or above. § 87(2)(b), § 87(2)(g) Allegation E – Abuse of Authority: On October 24, 2017, at the 52<sup>nd</sup> Precinct stationhouse, Sergeant William Paterno did not process \$87(2)(b) s complaint regarding officers. testified that he visited the 52<sup>nd</sup> Precinct stationhouse at 9:00 a.m. on October 24, 2017, and spoke with Sgt. Paterno in order to file a complaint against Sgt. Aliffi. Sgt. Paterno informed \$87(2)(b) that he was very busy, and that there were other ways to file a complaint, such as calling 311 or 1-800-PRIDE. \$87(2)(b) offered to pick his son up from school and then return to the stationhouse to file the complaint, but Sgt. Paterno stated that this was not acceptable because it was a long process. \$87(2)(b) stated that this was fine and agreed to call 311 [01] Board Review]. visited the stationhouse with \$87(2)(b) She stated that spoke with the desk officer, who generally matched Sgt. Paterno's physical description, and asked to file a complaint about officers injuring his finger during his arrest. The desk officer denied both requests because \$87(2)(b) are a sarresting officer was not present and because he did not have time. The desk officer told § 87(2)(b) that he should call 1-800-PRIDE. said, "Okay, no problem," and left the stationhouse to make the complaint on his own [13 Board Review]. Sgt. Paterno acknowledged being present at the desk and fielding \$57(2)(b) seems request to file a s complaint. Sgt. Paterno complaint, though he did not remember the details of \$87(2)(b) informed \$87(2)(b) that he was involved in other tasks at the stationhouse at the time, and that it was going to take him some time to complete the complaint process. Sgt. Paterno informed

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though he did not say how long this would take. § 87(2)(b)

that he would be required to provide a statement to Sgt. Paterno and to fill out a form,

told Sgt. Paterno that he did not

includi later tir	o wait. Sgt. Paterno then offered street other methods for filing his complaint, ng the 212-PRIDE number, via email, via 311, or by coming back the stationhouse at a me. street of did not say at any point that he wished to file his complaint with Sgt. of at the stationhouse. Sgt. Paterno did not refuse to take street of take street of take street.
§ 87(2)(b), §	87(2)(g)
	·
•	Civilian and Officer CCRB Histories  This is the first case to which \$87(2)(b) has been a party [15 Board Review].  Sgt. Aliffi has been a member of the service for 12 years and has been a subject in six other CCRB complaints and 21 other allegations, none of which were substantiated.
•	Sgt. Paterno has been a member of the service for ten years and has been a subject in three other CCRB complaints and six other allegations, none of which were substantiated.  887(2)(9)
•	Mediation, Civil and Criminal Histories  This case was not suitable for mediation.  A Notice of Claim inquiry was submitted to the Office of the New York City Comptroller on May 30, 2018. Its results will be added to the case file upon receipt [16 Board Review].
•	<i>X</i> 07(2)(0)
Squad 1	No.: 7
Investi	gator:

Squad Leader:			
•	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date